

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

(1) ANDREW CHABALLA, as
Next of Kin of LAVERNE SOMERS,
Deceased, and ANDREW
CHABALLA as Administrator of the
Estate of LAVERNE SOMERS

Plaintiffs,

v.

Case No. 5:22-cv-00772-F

(1) SP HEALTHCARE
MANAGEMENT LLC

(2) MIDWEST GERIATRIC
MANAGEMENT, LLC

(3) JUDAH BIENSTOCK

Defendants.

PLAINTIFFS' FINAL WITNESS LIST

COMES NOW Plaintiffs Andrew Chaballa, as Next of Kin of Laverne Somers, Deceased, and Andrew Chaballa as Administrator of the Estate of Laverne Somers, by and through their counsel of record, and pursuant to the Court's Scheduling Order respectfully submit this Final Witness List.

<u>Witness</u>	<u>Anticipated Testimony</u>
(1) Boucher, Lindsey	<u>Deposed.</u> Care and treatment provided to Decedent and his/her experience in the management and operation of SP Healthcare Management LLC
(2) Hopkins, Judith	<u>Deposed.</u> Care and treatment provided to Decedent and his/her experience in the

	management and operation of SP Healthcare Management LLC
(3) Pierce, Janie	<u>Deposed.</u> Care and treatment provided to Decedent and his/her experience in the management and operation of SP Healthcare Management LLC
(4) Privett, Tammy	<u>Deposed.</u> Care and treatment provided to Decedent and his/her experience in the management and operation of SP Healthcare Management LLC
(5) Adam Young	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC.
(6) Bridgette Dawson	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC.
(7) Helen Manganya	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC.
(8) Carleesha Kirk/Moore	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC.
(9) Judah Bienstock	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC.
(10) Cynthia Colquitt	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC

	had in the management and operation of SP Healthcare Management LLC.
(11) Jim Mason	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC.
(12) All individuals identified in SP Somers 000816-002675 (Staffing Records)	Care and treatment provided to Decedent and his/her experience in the management and operation of SP Healthcare Management LLC
(13) Kirby, John MD	Expert opinions regarding care and treatment provided to Decedent
(14) Frederick, Suzanne MSN, RN-BC, CWCN	Expert opinions regarding care and treatment provided to Decedent; the management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC.
(15) Edana Stroberg	Will testify regarding Decedent's cause of death consistent with the findings on the death certificate he signed based on her education, training, and experience.
(16) Brandon French	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC.
(17) Clay Chism	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC
(18) Lee Wood	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP

	Healthcare Management LLC
(19) Tamara Meadows	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC
(20) John Paul Taylor	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC
(21) Robert Taylor	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC
(22) Daniel Ervine	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC
(23) Kristin Johnson	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC
(24) Brandon Tappan	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC
(25) Dawn Watson	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC
(26) Eddie Parades	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC

(27) Cristi Cannon	The management and operation of SP Healthcare Management LLC; the role Midwest Geriatric Management, LLC had in the management and operation of SP Healthcare Management LLC
(28) All witnesses identified by any other party not objected to by the Plaintiffs.	
(29) Rebuttal witnesses as necessary.	
(30) Any custodian of records as necessary for authentication and/or certification of records or exhibits.	
(31) As discovery is continuing in this matter, Plaintiff expressly reserves the right to supplement and/or amend this list of witnesses.	

Respectfully submitted,

/s/ Ryan J. Fulda

Ryan J. Fulda

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/s/ Jonathan Steele

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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2024 a copy of the above and foregoing was served electronically to all counsel of record.

/s/ Jonathan Steele

Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

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(3) JUDAH BIENSTOCK

Defendants.

PLAINTIFFS' FINAL EXHIBIT LIST

COMES NOW Plaintiffs Andrew Chaballa, as Next of Kin of Laverne Somers, Deceased, and Andrew Chaballa as Administrator of the Estate of Laverne Somers, by and through their counsel of record, and pursuant to the Court's Scheduling Order respectfully submit this Final Exhibit List.

- (1) Medical records of Decedent from Southpointe;
- (2) Medical records of Decedent from Integris.
- (3) Decedent's Death Certificate;
- (4) Andrew Chaballa handwritten note
- (5) State Operations Manual
- (6) RAI Manual

- (7) Various Oklahoma State Surveys of the Facility
- (8) COVID-19 Nursing Home Data
- (9) Decision-Making Model for Scope of Nursing Practice Decisions- Determining Advanced Practice Registered Nurse, Registered Nurse and Licensed Practical Nurse Scope of Practice Guidelines
- (10) O.A.C. § 490:10-13-1
- (11) PBJ_dailynursestaffing
- (12) Oklahoma Board of Nursing Patient Assessment Guidelines
- (13) Nursing Home Compare Archive Data
- (14) Emails, *SP-Somers 004691- SP-Somers 010522*
- (15) SP Somers 000816-002675 (Staffing Records)
- (16) SP-Somer 000752-00815 (Resident Council Records)
- (17) SP-Somers 003268-004016 In-Service Records and Signatures
- (18) SP-Somers 004017-004077 Lippincott Nursing Policies & Procedures
- (19) SP-Somers 004078-004317 MGM Policies and Procedures
- (20) SP-Somers 004318-004557 Combined Reports 2019-2020
- (21) SP-Somers 004558-004620 DON Reports
- (22) SP-Somers 004621-004658 Perry, Koren
- (23) SP-Somers 004659-004678 Selvey, Kim
- (24) SP-Somers 004679-004690 Shehan, Cindy
- (25) SP-Somers 004691-004757 Young, Adam
- (26) SP-Somers 004758-004782 Waggoner, Randie
- (27) SP-Somers 004783-004826 Midwest Geriatric Management 2020 Full Policy
- (28) OHCA, Licensure Files
- (29) OHCA, Medicaid Cost Reports
- (30) OHCA, Quality of Care Reports

- (31) All documents identified by any other party not objected to by the Plaintiffs.
- (32) As discovery is continuing in this matter, Plaintiff expressly reserves the right to supplement and/or amend this list of exhibits.

Respectfully submitted,

/s/ Ryan J. Fulda

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OK Bar Number: 21184

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I hereby certify that on March 20, 2024 a copy of the above and foregoing was served electronically to all counsel of record.

/s/ Jonathan Steele

Attorney for Plaintiffs